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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Rickie Lynn Rarey,

10 Petitioner,

11 v.

12 Unknown Gutierrez,

13 Respondent.
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No. CV-22-00350-TUC-SHR

Order Adopting R&R

15 On July 19, 2023, Magistrate Judge Jacqueline M. Rateau issued a Report and
16 Recommendation (“R&R”) in which she recommended the Court deny the 28 U.S.C. §
17 2241 Petition because “the district court lacks jurisdiction to consider the Petition under
18 *Jones v. Hendrix* as well as case law preceding *Jones v. Hendrix*.” (Doc. 27.) The R&R
19 notified the parties they had fourteen (14) days from the date of the R&R to file any
20 objections. (*Id.* at 21.) No objections have been filed.

21 If neither party objects to a magistrate judge’s report and recommendation, the
22 District Court is not required to review the magistrate judge’s decision under any specified
23 standard of review. *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *see also United States v.*
24 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (district court only needs to
25 review magistrate judge’s findings and recommendations *de novo* if objection is made).
26 However, the statute for review of a magistrate judge’s recommendation “does not preclude
27 further review by the district judge, *sua sponte* or at the request of a party, under a *de novo*
28 or any other standard.” *Thomas*, 474 U.S. at 154.

1 In this case, the deadline for filing objections was August 2, 2023. As noted, no
2 objections have been filed, and neither party has requested additional time to do so.
3 Therefore, the Court may adopt the R&R on that basis alone. *See Schmidt v. Johnstone*,
4 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (district court declined to review the magistrate
5 judge's report because no objections were filed). Nonetheless, the Court finds the R&R
6 well-reasoned and agrees with Judge Rateau's conclusions. Accordingly,

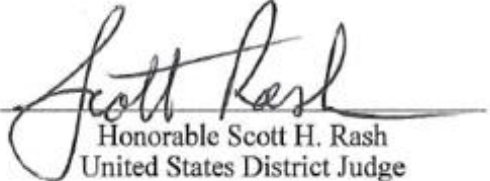
7 **IT IS ORDERED** Magistrate Judge Rateau's Report and Recommendation (Doc.
8 27) is **ADOPTED**.

9 **IT IS FURTHER ORDERED** the Petition (Doc. 1) is **DENIED**.

10 **IT IS FURTHER ORDERED** the Clerk of Court shall enter judgment accordingly
11 and close the file in this case.

12 Dated this 21st day of August, 2023.

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Honorable Scott H. Rash
United States District Judge